

REMARKS

In the Office Action¹, the Examiner objected to the title; objected to claims 6-8; objected to the drawings; rejected claims 1-5 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,546,422 to Okado ("*Okado*"); and rejected claims 6-8 under 35 U.S.C. § 103(a) as being unpatentable over *Okado* in view of U.S. Patent Appl. No. 2006/0186435 to Sugawara ("*Sugawara*").

By this Amendment, Applicants have amended the title, abstract, and drawings. Claims 1-8 remain pending.

Regarding the objection to the title, though Applicants disagree with the Examiner's objection to the title, Applicants have amended the title to read: "Inverter Apparatus Comprising Switching Elements." Applicants submit that the amended title is descriptive and request that the Examiner withdraw the objection.

Regarding the objection to claims 6-8, the Examiner asserts that claims 6-8 are "in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim" (Office Action at page 3). Applicants direct the Examiner's attention to the Preliminary Amendment filed January 23, 2006. In the Preliminary Amendment, Applicants amended claims 6-8 to dependent from "any one of claims 1-3." Therefore, Applicants submit that claims 6-8 are not in improper multiple dependent form and request that the Examiner withdraw the objection.

Regarding the objection to the drawings, the Examiner objected to the drawings because "the description of the components needs to be in English" (Office Action at

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

page 3). In response, Applicants have amended Fig. 1-8 as indicated by the Examiner. Therefore, Applicants request that the Examiner withdraw the objection to the drawings.

Applicants respectfully traverse the rejection of claims 1-5 under 35 U.S.C. § 102(b) as anticipated by *Okado*. In order to properly establish that *Okado* anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites an inverter recording apparatus characterized in that:

an inverter control portion has a simultaneous switching prevention function of delaying a turn-on operation of each of said switching elements, which correspond to phases other than a phase corresponding to an optional one of said switching elements and also correspond to an electrode opposite to an electrode corresponding to said optional one of said switching elements, by a predetermined time in a case where a turn-on command signal for turning on each of said switching elements, which correspond to the other phases, is generated within a predetermined time period since turn-off of said optional one of said switching elements.

(emphasis added). *Okado* does not disclose each and every element of Applicants' claimed invention.

The Examiner states that correction signal generators 17-19 of *Okado* correspond to the claimed "inverter control portion" and transistors 21-26 of *Okado* correspond to the claimed "switching elements" (Office Action at page 4). Applicants respectfully disagree.

Correction signal generators 17-19 of *Okado* “are provided to receive the outputs of current detectors and to produce voltage correction signals” (col. 4, lines 40-42). Applicants submit that *Okado* does not teach or suggest that correction signal generators 17-19 have “a simultaneous switching prevention function of delaying a turn-on operation of each of said switching elements,” as recited in claim 1.

Claim 1 also requires “switching elements” that “correspond to an electrode opposite to an electrode corresponding to said optional one of said switching elements.” Applicants submit that *Okado* is silent regarding the claimed “electrode.” Therefore, *Okado* cannot teach or suggest the claimed combination of elements including, for example, “switching elements” that “correspond to an electrode opposite to an electrode corresponding to said optional one of said switching elements,” as further recited in claim 1.

Okado fails to teach at least these elements. Accordingly, *Okado* cannot anticipate claim 1. Thus, claim 1 is allowable for these reasons.

Independent claims 2 and 3, while of different scope, recite limitations similar to those of claim 1 and are thus allowable over *Okado* for at least the same reasons discussed above in regard to claim 1. Claims 4 and 5 are also allowable at least due to its dependence from any one of claims 1-3.

Regarding the rejection of claims 6-8, dependent from any one of claims 1-3, the Examiner relies on *Sugawara* for allegedly disclosing all elements of claims 6-8 (Office Action at pages 5-6). Even assuming that this is correct, which Applicants do not concede, *Sugawara* does not cure the deficiencies of *Okado*.

Sugawara discloses a semiconductor device comprising "a wide-gap bipolar semiconductor element" (paragraph 0011). *Sugawara* does not teach or suggest "an inverter control portion" that "has a simultaneous switching prevention function of delaying a turn-on operation of each of said switching elements." *Sugawara* also does not teach or suggest the claimed combination of elements including, for example, "switching elements" that "correspond to an electrode opposite to an electrode corresponding to said optional one of said switching elements," as further recited in claim 1, similarly recited in independent claims 2 and 3, and required by dependent claims 6-8.

Therefore, no *prima facie* case of obviousness has been established, and claims 6-8 are also allowable over *Okado* and *Sugawara* for at least the same reasons as claims 1-3.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: February 25, 2008

By: /David W. Hill/
David W. Hill
Reg. No. 28,220